

these plans now will help ensure that deploying such a contingency can be done at the first sign of any problems experienced by schools or borrowers in obtaining Federal student loans from a FFELP lender.

Second, the Department of Education should take action to ensure that the Direct Loan program is fully prepared to respond to any unanticipated increase in demand for the program. As you know, the Direct Loan program does not rely on private lenders and therefore will not be affected by the changes in the credit market. Based on our discussions with Department officials, financial aid officials from schools currently participating in the Direct Loan program, and others, we are confident that the program could help alleviate any potential problem that borrowers or schools may face should FFELP lenders continue to face difficulties and withdraw from the program. The Department needs to take steps to ensure its plans to facilitate and expedite a school's transition from the FFELP to the Direct Loan program on either a temporary or permanent basis can be immediately executed, should a school so desire. In addition, it is important for the Department to ensure that adequate capacity exists to absorb any increases in additional loan volume.

Finally, we understand that you will soon be corresponding with colleges about the state of the Federal student loan programs. We request that in such correspondence you make readily available information on the option of participating in the Direct Loan program and on lender of last resort procedures.

We are encouraged that the Department has begun to examine these options, but we look forward to hearing about further contingency plans that would allow the Department to act immediately to ensure all students and families continue to have access to federal student loans in a timely manner.

We stand ready to provide you with any needed assistance that you believe will be necessary in undertaking the two important steps outlined above.

Sincerely,

EDWARD M. KENNEDY,
*Chairman, Senate
Committee on
Health, Education,
Labor, and Pen-
sions.*

GEORGE MILLER,
*Chairman, House Com-
mittee on Education
and Labor.*

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSING CRISIS

Mr. SALAZAR. Mr. President, I come to the floor of the Senate today to call again upon our colleagues in this chamber to move forward with a package that addresses housing challenges we face here in America today.

The dream of American home ownership is very much at risk today. We are seeing a housing crisis and a financial

crisis here in America that is unparalleled in recent times. In fact, when you speak to the home mortgage industry as well as the homebuilders, as well as the homeowners, they will all tell you we have not seen anything like this in America since the Great Depression. The statistics and the facts are there to demonstrate this, as well as the reality of people who are losing their homes, and more than even those who are losing their homes, who have to go through the pain and heartache of losing their homes because they cannot afford to pay the adjusted rate mortgages which are putting them in a position where they cannot afford to stay in their homes. It is also a pain that spreads across to all homeowners of America because when you have the kind of foreclosure situation in which we find ourselves in America today, that pain is one that is felt by all of those who are homeowners.

This chart is a chart that was prepared by Moody's, a group of economists that came up essentially to give us the facts and the statistics that demonstrate, without equivocation, that this is an unprecedented housing downturn we are seeing. This is a worse downturn than anything we saw in the 1990s and the 1980s, and, in fact, their conclusion is that we have never seen such a downturn since the Great Depression.

I wish to point out two things on this chart. The first is that the housing prices are projected to decline overall across the Nation by nearly 16 percent. We know that most Americans, most middle-class Americans in this country who are in a home have most of their equity, their value in life, tied up in their home. So when you have a decline in their home values by 16 percent, you are impacting the American homeowners in a very significant way. That is why, when we talk about the foreclosure crisis which is facing America, it is not about those who are on the verge of losing their homes; it is about all American homeowners because of the kind of price decline we are seeing in values in homes all across America.

A 16-percent decline in home values, I would suspect, is something that is of grave concern to most Americans. I would think this Chamber, as well as our colleagues in the House of Representatives, as well as the White House, should be saying that as part of an economic stimulus package, we ought to pivot over to the housing issues that face America and do something to restore confidence in the housing markets of America.

Another indicator from Moody's, as you see in this chart, is with respect to housing starts. You look at the trough in housing starts in the 1980s, where housing starts declined to about 58 percent. Well, the economists are telling us now that given the high rates of foreclosure, what is happening is there is no end in sight. This red line has no end in sight, where you have a 60-percent decline in housing starts. We do

not know how far that is going to go. When you have that kind of decline in housing starts, you are going to be affecting several hundred thousand Americans who are in the job market as part of the housing industry.

So these statistics, which are national statistics out of Moody's, should be telling us all that we should be doing something about the housing crisis here in America.

I am certain the Presiding Officer from Ohio can paint a similar picture about the housing problems in Ohio because there is a problem in the Presiding Officer's State as well as Florida and Nevada and California and many other States around the country.

When I look at what the housing crisis means for the 5 million people in Colorado, it tells me we have a severe problem in my State as well. Today in Colorado, 1 out of every 376 homes is in foreclosure. That is the highest rate of foreclosure we have seen in the history of the State. It is unprecedented. We are not yet at the point where we have hit bottom.

If you look at foreclosures that are expected to occur between 2008 and 2009 in Colorado, projections are that nearly 50,000 homes—49,923—will go into foreclosure. For a State with 5 million people, that is a significant number. What will that mean in terms of the impact on other homeowners around the State? About 748,000 homes are going to suffer a significant decline in value. That is about half of all the homes in the State of Colorado.

When Majority Leader REID, now more than a week ago, came to the Chamber and said what we ought to do is pivot off of the economic stimulus package, which we worked out with the President, and move forward to address some other ailments in the economy—and he said the first of those ailments is the housing crisis—he was right. This Chamber should have moved forward and started to address the housing crisis. Instead, we ended up in 1 of the now 73 filibusters we have had to address.

I hope my colleagues, Republican and Democratic, come back and say: No, this is too serious an issue. It is something we have to address with the 2008 Foreclosure Prevention Act which Majority Leader REID had filed at the desk and, with amendments, we can try to make sure we have an effective remedy for this ailment we are facing in America today.

When you pick up the newspapers of today, they show this is a problem that continues to be at the highest level of attention for our people. USA Today, in its headline, talks about how home equity is below the 50-percent level. That is a figure that came out of the Federal Reserve Board yesterday. It is the lowest home equity level since 1945. To me that is another clarion call for this Congress to do something about the housing issue.

Pick up the Wall Street Journal from today. It reads: "Housing and Bank

Troubles Deepen." The statistics are all there. We know we have a huge problem on our hands in terms of this pillar of the economy ailing. We also know this is causing pain to American homeowners, and the dream of American home ownership is in jeopardy today.

I call on my colleagues in the Senate to move forward and address this issue in a robust way. I am hopeful in succeeding weeks we are able to put together a coalition of Democrats and Republicans who say that this housing crisis must be addressed now for the sake of the American people.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE

Mr. KYL. Mr. President, it has now been 20 days since the law that allows us to collect foreign intelligence abroad has lapsed. We are without the authority we need to collect intelligence against our terrorist enemy. The law expired February 16. The Senate passed a bill, a bipartisan bill, with 68 Senators voting yes, Democrats and Republicans. It was fashioned by the Intelligence Committee which passed it 13 to 2, a wide bipartisan margin, clearly a consensus that the United States must have authority for intelligence collection against our terrorist enemies. We passed that bill, sent it to the House of Representatives hoping that the House would act quickly, send it to the President for signature so we could get on with this important aspect of the war against terror. So far the House of Representatives leadership has not brought the bill to the floor of the House; this notwithstanding the fact that it clearly would pass. We know, because of letters Members of the House of Representatives have written to their leadership, that Democrats and Republicans together have more than enough votes to pass this legislation we in the Senate passed. Yet the House leadership sits on its hands.

Three weeks ago the House leadership said it needed 3 weeks to get the job done. That 3 weeks expires Sunday. But the House is not even in session now. So today I rise to urge our House colleagues and especially the House leadership to step to the plate and pass this foreign intelligence surveillance act reauthorization to enable us to collect intelligence.

I am going to, at the conclusion of my remarks, ask unanimous consent to put a variety of things in the RECORD.

But I am going to refer to them now and talk a little bit about why this is so important.

Let's start by stating the premise on which I think we all agree. This is something that does not divide Democrats and Republicans. We have some divisions about the war against terror. We have some divisions about the war in Iraq. But all of us understand, first and foremost, you defeat terrorists with good intelligence. You find out what they are up to, and you are, therefore, better able to stop their plans before they are able to execute them.

Without this intelligence, bad things happen. We did not have the intelligence we needed before 9/11, and we all know what happened. Since then, a lot of changes have been made. Among other things, we have made changes to the law that enables us to collect intelligence abroad. As a result of all of those changes, we have not had an attack on the homeland.

God forbid we should have such an attack, but if we did, the new 9/11 Commission—whatever that would be called—would point the finger directly at the leadership of the House of Representatives for not reauthorizing this intelligence collection because every day that goes by we are losing important intelligence.

As we found out through the 9/11 Commission after that fateful day, we failed to see things we could have known about that might have prevented us from suffering that attack on 9/11. But because of the law that existed at the time, because of the wall that existed between the CIA and the FBI, for example, they were not able to share this information. As a result, we were not able to intercept two of the hijackers.

Well, now, today we have a situation where the law that enables us to collect this foreign intelligence has expired. There are two problems with that expiration. The first is that every day that goes by new intelligence is not being collected. You could have a terrorist in Afghanistan calling a terrorist in Germany, plotting some action against the United States, and because the call happened to be routed through a U.S. connection of some kind the law would not enable us to collect that intelligence. So every day we are losing intelligence.

Secondly, because the telecommunications companies that help us in this effort have been sued by trial lawyers, we need to provide protection against these lawsuits. If we do not, there will come a time, in my opinion, that it will be very difficult for these telecommunications companies to continue to cooperate with the U.S. Government. Then, no matter what kind of law we passed, we would not have the support of the only folks who can help us collect this intelligence. So we need this legislation, and the House of Representatives needs to act soon.

There was recently an op-ed that was written by Senator KIT BOND and Rep-

resentatives PETE HOEKSTRA and LAMAR SMITH. It occurred in the Wall Street Journal on February 26. They point out, in this op-ed, that the intercept of these terrorist communications "requires the cooperation of our telecommunications companies. They're already being sued for having cooperated with the government after 9/11." They go on to say:

So without explicit protection for future actions (and civil liability protection for the help they provided in the past), those companies critical to collecting actionable intelligence could be sidelined in the fight.

They go on to say:

It has already happened, briefly.

They quote Director of Intelligence Mike McConnell and Attorney General Michael Mukasey saying:

[W]e have lost intelligence information . . . as a direct result of [this] uncertainty.

So, Mr. President, I ask unanimous consent this article, dated February 26, 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 26, 2008]

IN CASE YOU MISSED IT: HARD OF HEARING

(By Reps. Kit Bond, Pete Hoekstra and Lamar Smith)

Are Americans as safe today as they were before Congress allowed the Protect America Act to expire on Feb. 16?

House Speaker Nancy Pelosi and other Democrats say we are. They go so far as to say that the Protect America Act—put in place last year to overcome obstacles in the Foreign Intelligence Surveillance Act (FISA) that make it harder to intercept terrorist communications—was not even necessary. In the Washington Post yesterday, Sens. Jay Rockefeller and Patrick Leahy, and Reps. Silvestre Reyes and John Conyers, wrote that our intelligence agencies can collect all the intelligence they need under FISA.

That is simply false. We are less safe today and will remain so until Congress clears up the legal uncertainty for companies that assist in collecting intelligence for the government—and until it gives explicit permission to our intelligence agencies to intercept, without a warrant, foreign communications that pass through the U.S. Here's why:

Intercepting terrorist communications requires the cooperation of our telecommunications companies. They're already being sued for having cooperated with the government after 9/11. So without explicit protection for future actions (and civil liability protection for the help they provided in the past), those companies critical to collecting actionable intelligence could be sidelined in the fight.

It has already happened, briefly. "[W]e have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act," Director of National Intelligence Mike McConnell and Attorney General Michael Mukasey wrote in a letter dated Feb. 22 to Mr. Reyes, the chairman of the House Intelligence Committee.

The old FISA law does not adequately protect the U.S., which is why it was revised by the Protect America Act last summer. The problem is that, although it has a few work-around-provisions, such as allowing intelligence agencies to conduct surveillance for up to 72 hours without a warrant, FISA ultimately requires those agencies to jump through too many legal hurdles. Those include the Fourth Amendment's "probable